



## ILLINOIS COMMERCE COMMISSION

January 27, 2004

The Burlington Northern and Santa Fe Railway Company,  
Petitioner,

v.

Westfield Township, Bureau County, Illinois; Bureau County, Illinois and,  
State of Illinois, Department of Transportation,  
Respondents.

T04-0008

Petition seeking an order from the Illinois Commerce Commission authorizing the permanent closure and removal of the at grade crossing located at the intersection of the tracks of The Burlington Northern and Santa Fe Railway Company and Westfield Township Road 3350E (TR 390), Milepost 89.02, DOT No. 079 655L; the construction of a connecting road located south of and parallel to The Burlington Northern and Santa Fe Railway Company's tracks which would serve to connect Westfield Township Road 3350E (TR 390) and Westfield Township Road 2400 N (TR 296); with the cost of such project to be borne by the parties in accordance with law and that a substantial portion of the cost be borne by the Grade Crossing Protection Fund.

T04-0008

Page 2

Mr. Michael L. Sazdanoff  
Kenneth J. Wysoglad & Associates  
118 S. Clinton St., Ste. 700  
Chicago, IL 60661

Dear Mr. Sazdanoff:

Receipt is acknowledged of the original and four (4) copies of the Petition filed January 26, 2004 in the above matter.

**All future correspondence/pleadings should be filed with an original and two (2) copies and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission, 527 E. Capitol Avenue, Springfield, IL 62701 or you may file electronically through E-Docket if you have an account. To apply for an account, please log on to [www.icc.state.il.us](http://www.icc.state.il.us) and apply for an E-docket account.**

Processing and Information Section

kl

cc: Mr. Victor A. Modeer, IDOT  
Mr. W. Douglas Werner, BNSF  
Ms. Cheryl Townlian, BNSF  
CT Corporation System, BNSF  
Westfield Township  
Mr. Jeffrey Peacock, Bureau County

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

THE BURLINGTON NORTHERN and )  
SANTA FE RAILWAY COMPANY, )

Petitioner, )

v. )

WESTFIELD TOWNSHIP, BUREAU COUNTY, )  
ILLINOIS, BUREAU COUNTY, ILLINOIS, and )  
STATE OF ILLINOIS, DEPARTMENT )  
OF TRANSPORTATION, )

Respondents. )

No. 7040008

Petition seeking an order from the Illinois )  
Commerce Commission authorizing the )  
permanent closure and removal of the at grade )  
crossing located at the intersection of the tracks )  
of The Burlington Northern and Santa Fe Railway )  
Company and Westfield Township Road 3350E )  
(TR 390), Milepost 89.02, DOT No. 079655L; the )  
construction of a connecting road located south )  
of and parallel to The Burlington Northern and )  
Santa Fe Railway Company's tracks which would )  
serve to connect Westfield Township Road 3350E )  
(TR 390) and Westfield Township Road 2400 N; )  
with the cost of such project to be borne by the )  
parties in accordance with law and that a substan- )  
tial portion of the cost be borne by the Grade )  
Crossing Protection Fund. )

RECEIVED  
JAN 26 2004

Illinois Commerce Commission  
RAIL SAFETY SECTION

PETITION

Now comes Petitioner, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates, and for its Petition to the Illinois Commerce Commission states as follows:

1. BNSF is a Delaware Corporation with its principal place of business located in Fort Worth, Texas and is authorized to transact business in the State of Illinois and transacts business as a common carrier by railroad in interstate and intrastate commerce.

DOCKETED

JAN 26 2004

2. Bureau County, Illinois is a governmental entity established under the laws of the State of Illinois.
3. Westfield Township, Bureau County, Illinois ("Westfield Township") is a governmental entity established under the laws of the State of Illinois.
4. BNSF operates *certain trackage in a generally northeast to southwest* direction through Bureau County, Illinois and specifically through Westfield Township.
5. Westfield Township Road 3350E (TR 390) is a north/south roadway located within the geographic boundaries of Westfield Township and is under the jurisdiction of Westfield Township. Township Road 2400N is an east/west roadway located within the geographic boundaries of Westfield Township and is under the jurisdiction of Westfield Township.
6. Westfield Township Road 3350E (TR 390) intersects the tracks of BNSF on an approximate 90 degree angle creating a public at grade crossing at Milepost 89.02, DOT No. 079655L. Said at grade crossing is equipped with reflectorized cross-buck signs. The estimated average daily vehicular traffic passing over the subject at grade crossing is approximately 25 vehicles per day.
7. Township Road 2400N traverses the trackage of BNSF on less than a 90 degree angle creating a public at grade crossing at Milepost 88.92, DOT No. 079654E. Said at grade crossing is equipped with automatic flashing light signals and gates. The estimated average daily traffic traversing the subject at grade crossing is approximately 50 vehicles per day.

8. BNSF requests that the at grade crossing at Westfield Township Road 3350E (TR 390), Milepost 89.02, DOT No. 079655L be permanently closed, the at grade crossing and warning devices removed and the roadway barricaded as the public convenience and necessity no longer require the existence of the aforesaid at grade crossing and public safety would be enhanced with the closure of the aforesaid at grade crossing.
9. In conjunction with the closure of the at grade crossing at Westfield Township Road 3350E (TR 390) and the tracks of BNSF at Milepost 89.02, DOT No. 079665L, BNSF suggests that a connecting road be constructed at a location south of and parallel to BNSF's trackage which would serve to connect Westfield Township Road 3350E (TR 390) and Township Road 2400N which would serve to eliminate any inconvenience to the vehicular traveling public that may be posed by the permanent closure of the at grade crossing at the intersection of Westfield Township Road 3350E and the tracks of BNSF, Milepost 89.02, DOT No. 079655L.
10. BNSF has conferred with Bureau County and Westfield Township concerning the at grade crossing closure and roadway improvements as described above and it is BNSF's understanding that Bureau County and Westfield Township concur with and supports the grade crossing closure and roadway improvement project as set forth herein.
11. BNSF has caused to be acquired the necessary property for construction of the connecting roadway at the acquisition cost of \$ 22,596.10. It is currently

estimated that actual construction of the connecting roadway would cost approximately \$97,000.

12. Attached hereto, marked Exhibit "A" and made a part hereof is a map depicting the location of BNSF's mainline trackage, the location of the grade crossings involved and the general location of the proposed connecting road.
13. The public at grade crossing located at Township Road 2400N, Milepost 88.92, DOT No. 079654E is a needed thoroughfare in Bureau County, with said roadway and crossing used by statewide traffic.
14. The public safety, convenience and necessity requires that the Grade Crossing Protection Fund of the Motor Fuel Tax Law pay a substantial portion of the cost of any improvements that may be authorized by the Illinois Commerce Commission pursuant to this said Petition. BNSF requests that the Grade Crossing Protection Fund of the Motor Fuel Tax Law pay 80% of the cost of the proposed improvements as may be authorized by the Illinois Commerce Commission.

WHEREFORE, Petitioner prays that the Illinois Commerce Commission set the aforesaid matter for hearing and enter an Order authorizing the permanent closure and removal of the at grade crossing located at the intersection of Westfield Township Road 3350E (TR 390) and the tracks of BNSF, Milepost 89.02, DOT No. 079655L and authorize the construction of a connecting road between Westfield Township Road 3350E (TR 390) and Township Road 244N with said connecting road to be located south of and parallel to BNSF's trackage and right of way and dividing the cost among the parties in accordance

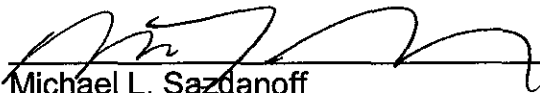
with law and requiring that a substantial portion of the cost be born by the Grade Crossing Protection Fund of the Motor Fuel Tax Law.

THE BURLINGTON NORTHERN AND SANTA FE  
RAILWAY COMPANY,



Cheryl Townlian  
Manager Public Projects

KENNETH J. WYSOGLAD & ASSOCIATES



Michael L. Sazdanoff  
Kenneth J. Wysoglad & Associates  
118 South Clinton Street  
Suite 700  
Chicago, Illinois 60661  
(312) 441-0333





STATE OF MISSOURI     )  
                                      )  
COUNTY OF GREENE    )     SS

**VERIFICATION**

Cheryl Townlian, being duly sworn on oath, deposes and states that she is Manager, Public Projects for The Burlington Northern and Santa Fe Railway Company, petitioner herein; that she is duly authorized by said railroad company to sign, verify and file the foregoing petition and that the matters set forth in said petition are true and correct to the best of her knowledge, information and belief.

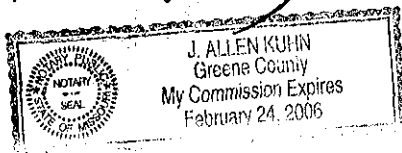
  
\_\_\_\_\_  
Cheryl Townlian

Subscribed and sworn to

before me this 12 day of

JANUARY, 2004.

  
\_\_\_\_\_  
Notary Public



**PROOF OF SERVICE**

Michael L. Sazdanoff, attorney, being first duly sworn on oath, certifies that on January 20, 2004, a copy of the foregoing Petition was served upon all parties of record by depositing same in the U.S. mail depository located at Adams and Clinton Streets, Chicago, Illinois, in envelope(s) with first class postage, prepaid, addressed to:

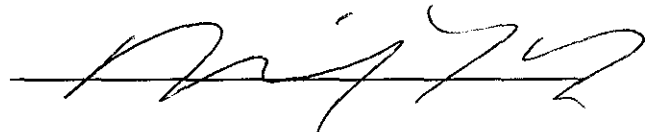
James Easterly  
Director, Division of Highways  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Suite 300  
Administration Building  
Springfield, Illinois 62701

Henry Humphries  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706

Kami Hieronymus  
County Clerk and Recorder  
Courthouse  
700 S. Main Street  
Princeton, Illinois 61356

Jeff Peacock  
Bureau County Engineer  
595 Elm Place  
Princeton, Illinois 61356

Alfred D. Hewitt  
Westfield Township Highway Commissioner  
P.O. Box 113  
Cherry, Illinois 61317

A handwritten signature in black ink, appearing to read "M. Sazdanoff", is written over a horizontal line.